

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ZHAJARAH ORTIZ,
on behalf of A.L., a minor child,

Plaintiff,

v.

CAROLYN W. COLVIN,
COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

3:16-CV-1613
(JUDGE MARIANI)

ORDER

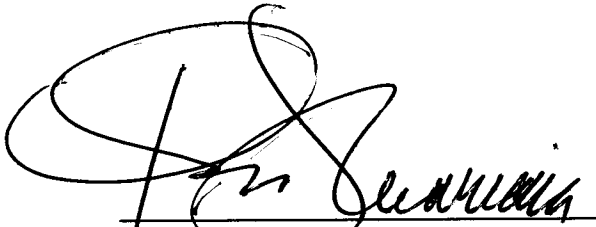
AND NOW, THIS 10th DAY OF MAY, 2018, upon *de novo* review of Magistrate Judge Mehalchick's Report & Recommendation (Doc. 18), Plaintiff's Objections thereto (Doc. 19), Defendant's Response to the Objections (Doc. 20), and all other supporting and opposing briefs and documentation, **IT IS HEREBY ORDERED THAT:**

1. The Report & Recommendation ("R&R"), (Doc. 18), is **ADOPTED**, for the reasons discussed therein.
2. Plaintiff's Objections, (Doc. 19), are **OVERRULED**. Plaintiff argued that the Magistrate Judge erred in finding that substantial evidence supported the ALJ's conclusions that Plaintiff, a child, had less than marked limitation in the domains of acquiring and using information, attending and completing tasks, and interacting and relating to others. When reviewing the denial of disability benefits, the Court's review is limited to determining whether those findings are supported by substantial

evidence in the administrative record. See 42 U.S.C. § 405(g); *Johnson v. Comm'r of Soc. Sec.*, 529 F.3d 198, 200(3d Cir. 2008). “Substantial evidence does not mean a large or considerable amount of evidence, but rather such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.” *Id.* (quoting *Johnson v. Comm'r of Soc. Sec.*, 529 F.3d 198, 200 (3d Cir. 2008)). Plaintiff’s Objections merely cherry picked certain parts of the record that may support a finding of a limitation, without addressing or rebutting the evidence in the record credited by the ALJ and the R&R. In fact, Plaintiff’s Objections mirror the original arguments raised in the appeal. The Magistrate Judge fully addressed these issues in the R&R, including noting the substantial evidence from the state agency psychologist Dr. Hart’s findings that Plaintiff “was able to focus when playing with crafts...and was cooperative, pleasant, and amiable” and “was not overly restless or hyperactive,” and that Plaintiff “improved with treatment and was able to comply with directions within one or two prompts.” Doc. 18 at 7, 10. The R&R also credited the ALJ’s reliance on statements from Plaintiff’s teachers concerning Plaintiff’s abilities, which did not amount to very serious problems in the ability to acquire or use information or the ability to attend to and complete tasks. *Id.* at 8-11. Finally, the R&R found that the ALJ properly relied on testimony from both Plaintiff and his mom that he enjoyed playing with friends and his younger

sister. *Id.* at 8-11. Thus, the R&R correctly concluded that the ALJ's findings were supported by substantial evidence in the record.

3. Plaintiff's Appeal is **DENIED**.
4. The Commissioner's decision is **AFFIRMED**.
5. The Clerk of Court is directed to **CLOSE** this case.



Robert D. Mariani
United States District Judge